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*Attorneys for Defendants
Nicholas & Company Foodservice Inc. and
Nicholas & Company Foodservice LLC*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MERSHAUN SCOTT, an individual,

Plaintiff,

vs.

NICHOLAS & COMPANY FOODSERVICE
INC., a foreign corporation; NICHOLAS &
COMPANY FOODSERVICE LLC, a
domestic limited liability company; DOES I
through X; and ROE Corporations XI through
XX, inclusive,

Defendants.

Case No.

**NOTICE TO FEDERAL COURT OF
REMOVAL OF CIVIL ACTION FROM
STATE COURT**

Pursuant to 28 U.S.C. § 1332(d), Defendant hereby notifies the Court of the removal of
*MERSHAUN SCOTT, an individual v. NICHOLAS & COMPANY FOODSERVICE INC., a
foreign corporation; NICHOLAS & COMPANY FOODSERVICE LLC, a domestic limited
liability company; DOES I through X; and ROE Corporations XI through XX, inclusive*, Case No.
A-20-821030-C, which was filed in the Eighth Judicial District Court in Clark County, Nevada.

In support of said removal, Defendant states as follows:

1. On September 11, 2020, an action was commenced in the Eighth Judicial District
Court of Clark County, Nevada, entitled *MERSHAUN SCOTT, an individual v. NICHOLAS &
COMPANY FOODSERVICE INC., a foreign corporation; NICHOLAS & COMPANY*

1 *FOODSERVICE LLC, a domestic limited liability company; DOES I through X; and ROE*
2 *Corporations XI through XX, inclusive.* A copy of the Complaint is attached hereto as **Exhibit A.**

3 2. Defendants were served on September 16, 2020 with a copy of the Complaint and
4 Summons issued by the state court on or about September 15, 2020 for Nicholas & Company
5 Foodservice Inc. and Summons issued by the state court on or about September 16, 2020 for
6 Nicholas & Company Foodservice LLC. A copy of the Summonses are attached hereto as
7 **Exhibit B.**

8 3. This action is properly removed to federal court under federal question jurisdiction
9 because Plaintiff's Complaint contains claims which arise under federal law, specifically, Title
10 VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e. *See* 28 U.S.C. § 1441.

11 4. This Notice of Removal is being filed within thirty (30) days of receipt of any
12 pleadings setting forth the claim for relief upon which the action is based and is, therefore, timely
13 under 28 U.S.C. § 1331 and § 1446(b).

14 5. This action is a civil action of which this Court has original jurisdiction under 28
15 U.S.C. § 1331, and is one which may be removed to this court pursuant to the provisions of 28
16 U.S.C. § 1441(a), in that it is a civil action arising under the Constitution, laws, or treaties of the
17 United States. Specifically, Plaintiff alleges conduct in violation of Title VII of the Civil Rights
18 Act of 1964, 42 U.S.C. § 2000e. Any remaining state law claims are also properly removed
19 pursuant to the Court's supplemental jurisdiction. 28 U.S.C. § 1367(a).

20 6. A true and correct copy of this Notice of Removal is being filed this date with the
21 Clerk of the Eighth Judicial District Court of the State of Nevada.

22 7. Venue is proper in this Court as this is the court for the judicial district in which a
23 substantial part of the events or omissions giving rise to the claim occurred. 28 U.S.C. § 1391.

1 WHEREFORE, Defendant prays that the above-referenced action now pending in the
2 Eighth Judicial District Court of the State of Nevada in and for the County of Clark be removed
3 therefrom to this Court.

4 Dated this 7th day of October, 2020.

5 JACKSON LEWIS P.C.

6 /s/ Deverie Christensen

7 Deverie J. Christensen, Bar #6596
8 300 S. Fourth Street, Suite 900
9 Las Vegas, Nevada 89101

10 *Attorneys for Defendant*
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of Jackson Lewis P.C., and that on this 7th day of October, 2020, I caused to be served via the Court's CM/ECF Filing, a true and correct copy of the above foregoing **NOTICE TO FEDERAL COURT OF REMOVAL OF CIVIL ACTION FROM STATE COURT** properly addressed to the following:

Christian Gabroy
Kaine Messer
GABROY LAW OFFICES
The District at Green Valley Ranch
170 South Green Valley Parkway, Suite 280
Henderson, Nevada 89012

Attorneys for Plaintiff

/s/ Kelley Chandler
Employee of Jackson Lewis P.C.

4813-7704-7245, v. 1